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EXAMINER	
LAZORCIK, JASON L	

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1791	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,054	FREDHOLM, ALLAN M.	
	Examiner	Art Unit	
	Jason L. Lazorcik	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-10,12-17,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-10,12-17,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

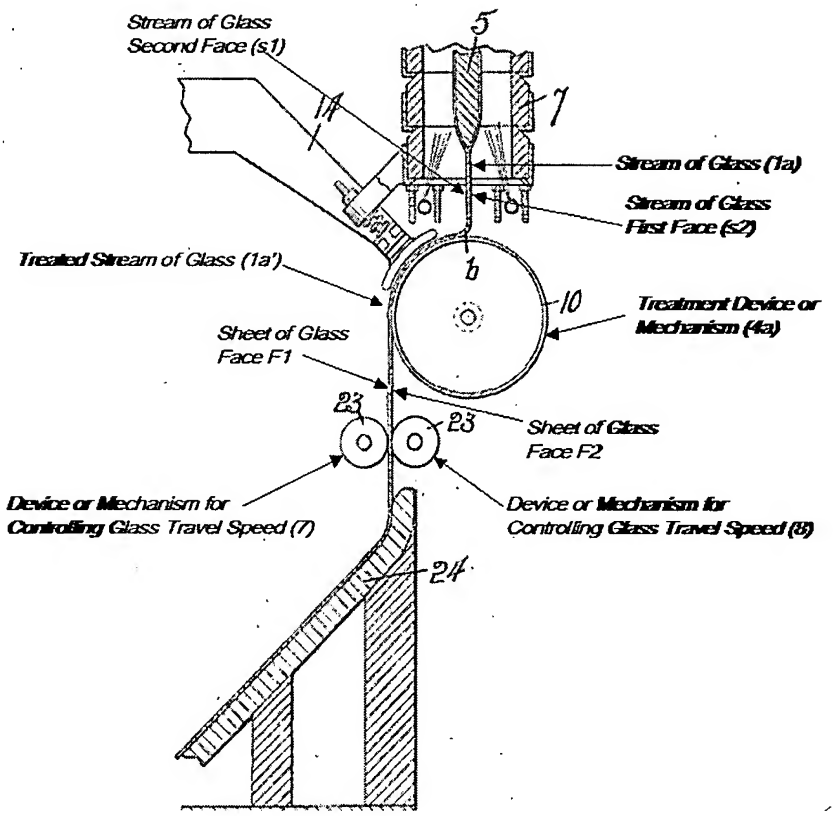
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 8, 9/1, 9/8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner (1,674,856) in view of Anderson (6,196,026).

The particular elements of Danner that apply to the immediate claims are set forth with particular reference to the composite excerpt from Danner Figures 4 and 5 as presented below and as labeled in accord with the applicants terminology.



Specifically with respect to Claim 1, Danner teaches a method of producing sheets of glass wherein;

1. The sheet of glass has two faces, face (F1) and face (F2) wherein one side of said sheet (F1) presents a "hardened skin surface which will prevent it becoming marred". In the context of the present claim this glass sheet presenting an unmarred, "hardened surface skin" is held equivalent to a sheet of glass with at least one of said faces presenting "a high surface quality"
2. A stream of glass (1a) delivered which has a first face (s2) and a second face (s1), and each face is free from making contact with any surface as evidenced in the region of the s1 and s2 lead lines by the above figure.

3. The first face (s2) of the stream of glass in placed into contact with a treatment device or mechanism (4a) while maintaining at least a central strip of the second face (s1) of the stream of glass (1a) free from any contact with any surface. The immediate reference indicates (pg 2, Line 53-54) that the sheet is deflected by the roll or "treatment device or mechanism (4a)" and passes around and down one side thereof which is understood as equivalent to the claimed process of supporting the weight of said glass and accompanying the falling movement of said glass. **Danner places no definitive limitation upon the surface topography of the "treatment device or mechanism" other than indicating that the sheet of glass in a softened state "has contact at one side thereof with the figured surface of a roll or other impression member". In the absence of any evidence to the contrary, it is the Examiners position that the prior art device reads equally well upon treatment devices which are substantially textured or as well as devices which are substantially smooth. Further as evidenced from the instant reference figures 1, 4, and 5, the exterior surface of the impression roll (10), lacking any discernable surface features, clearly teaches that the impression roll may present a "substantially smooth surface" to the softened glass sheet.** Further, while the glass is in contact with the "treatment device or mechanism (4a)" the second face (s1) of the glass sheet (1a) is cooled by an air blast nozzle. Since the

inverse relationship between glass temperature and viscosity is well established and the "treatment device or mechanism (4a)" cooperates in the cooling of the glass sheet", said device increases the viscosity of the glass sheet. The "treatment device or mechanism (4a)" is therefore understood to both accompany "the falling of said glass while increasing glass viscosity" as claimed.

4. A device or mechanism for controlling glass travel speed (7,8) acts upon the treated stream (1a') (pg 3, Lines7-8)
5. The glass sheet is thereafter conveyed into a leer or annealing chamber which is understood to effect the "cooling of said sheet of glass" as claimed (pg 2, line 55)

With respect to Claim 8, the immediate reference indicates (pg 2, lines 122-125) that the roll 10 or "treatment device or mechanism (4a)" "may be driven in any suitable or convenient manner at a peripheral speed conforming to the speed of flow of the sheet b from the slab". **As discussed in the rejection of Claim 1 above, the surface of the "treatment device or mechanism (4a)" is understood to present a "substantially smooth surface to the received stream of glass**. It is therefore understood from the above figure that

1. the delivered stream of glass (1a) is received on the surface of a "treatment device or mechanism (4a)" as indicated in parent claims or a "roller (4a)" as indicated in the immediate claim.

2. The surface of said "roller (4a)" presents a surface temperature which is understood to be "suitable" for the desired process
3. The "roller (4a)" is driven or "rotated" as claimed at a suitable speed to accompany the movement of said stream or as indicated above at a speed conforming to the speed of flow of the sheet from the slab.
4. From the figure, it is evidenced that there exists no relative displacement of the stream (1a) relative to the surface of the "roller (4a)" and that contact between the stream and the roller is maintained over a "significant" fraction of the circumference of said "roller (4a)"
5. The roller is associated with a "Device or mechanism for controlling the surface temperature of the glass sheet" which in the above figure is understood as equivalent to the air-blast nozzle (14) as set forth by Danner (pg 2, lines 66-73). Further, Danner indicates (pg2, Lines82)that "the air blast...tends to quickly cool the outer side of the sheet and give it a glazed formation so that it will not be marred by coming into contact with a deflecting agent" which is understood in the present claim as cooling the glass sufficiently to obtain the desired increase in viscosity.

With respect to Claims 9/1 and 9/8 and with reference to the appropriate parent claim rejection, Danner indicates (pg 2, Lines 102-103) that " the sheet would be quite soft at its point of contact with the impression mold" or at the point that the sheet comes into contact with the roller (4a). Danner further indicates (pg 2, Lines 91-96) that after treatment on the roller (4a) the sheet has an "outer chilled or substantially hardened

portion" and "an inner relatively softer figured side". And finally that after treatment on the roller (4a), the sheet is transferred to a leer or annealing chamber (pg 2, line 55). It is well established in the art of glass processing (Kingery, pg 759) that for a typical soda-lime-silica glass,

> "In the melting range the viscosity is 50 to 500 P (poise); in the working range the viscosity is higher, being 10^4 to 10^8 P; in the annealing range the viscosity is still higher, being $10^{12.5}$ to $10^{13.5}$ P"

Since the treated sheet of glass (1a') is substantially but not completely hardened, the Danner process is understood in the context of the Kingery disclosure to produce a treated stream traditionally accepted to exist in the "working range". Therefore, the Danner process produces a treated stream (1a') at the end of the treatment presenting a viscosity in the range of about 10^4 P to 10^8 P which reads on the immediate claim of a viscosity in the range of about 10^4 to 10^7P.

Regarding Claim 12 and in the absence of any exceptional structural details to the contrary, the claimed rollers or wheels (17a and 17b) are held equivalent to the structure set forth in the specification as margin wheels (7) and tractor rollers (8) (specification pg 26, Lines26-29). These rollers are understood to guide the stream of glass in the general direction from "treatment device or mechanism" towards the "device or mechanism". It is further evident from Figure 5 that during this guiding operation "at least said central strip of the second face

(s1) of said treated stream of glass continues to be kept free from contact with any surface".

Regarding Claim 13 and with particular reference to the rejection of Claim 12, in the absence of any exceptional structural detail, the claimed rollers or wheels (17a,18a, 17b, and 18b) are held equivalent to the structure set forth in the specification as margin wheels (7) and tractor rollers (8) (specification pg 26, Lines26-29). Further, from the above figure, said rollers or wheels face each other on opposite sides of the treated stream of glass (1a').

With respect to the immediate Claims, Danner fails to explicitly indicate a preferred viscosity of the stream of glass (1a) as delivered to the process. Anderson presents a process wherein sheets of glass are delivered to a substrate with the goals of first conforming said sheets to a mold surface and second achieving a hermetic seal between said sheets. To this end, Anderson indicates (column 3, Lines 51-59) that;

"The viscosity of the molten glass ribbon at delivery is between about 1000 to 5000 poise so that the following is achieved: (1) the second length of the molten glass ribbon bridges, but does not sag into complete contact with the entire surface of the (mold)"

It would be obvious to one of ordinary skill in the art to deliver the sheets of glass in the Danner process in the same viscosity range as taught by Anderson in order to achieve a high fidelity impression on the "treatment device or mechanism (4a)" or roller (10) as indicated by Danner (pg 1, lines 57-65).

Claims 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner (US 1,674.856) in view of Anderson (6,196,026).

Regarding Claim 2, the "treatment device or mechanism (4a)" aligns the treated stream of glass (1a') with and guides the treated stream of glass (1a') towards the device or mechanism for controlling the glass travel speed (7,8). As evidenced in the figure, said alignment and said guidance are provided while at least the central strip of the second face (s1) of the treated stream of glass (1a') is kept free from contact with any surface. Further, Danner teaches that a gas is emitted from at least the nozzle (17) towards at least the face (s2) of the treated stream of glass. The reference further indicates that the air-blast emanating from this nozzle "serves to effectually press the sheet against the roll ***without marring the outer side of the sheet***" (pg 2, column2, lines 75-90). While Danner is silent regarding the use of a "porous wall" to emit the gas towards the stream of glass, the reference clearly states that the air-blast should be emitted in such a manner as to avoid marring the softened glass material. Absent any unexpected results to the contrary, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a porous structure or "a porous wall" in the construction of the nozzle (17). Since such a porous structure would have been well appreciated in the art as a means of effectively distributing the force of an air blast over the entire softened glass surface, the inclusion of such a "porous" structure would have been an obvious incorporation into the Danner mechanism for anyone seeking to avoid marring of the outside of the glass sheet.

With respect to Claim 6, the applicant indicates (pg6, lines 22-27);

"the height through which (the delivered flow of glass) can fall is naturally limited. It must be taken up before it becomes unstable. The acceptable gall height naturally depends on the glass in question. In general it does not exceed 150 millimeters (mm). Advantageously, it is less than 60 mm. ***Given a particular glass, the person skilled in the art is perfectly capable of optimizing this fall height***, i.e. of implementing delivery of said glass."

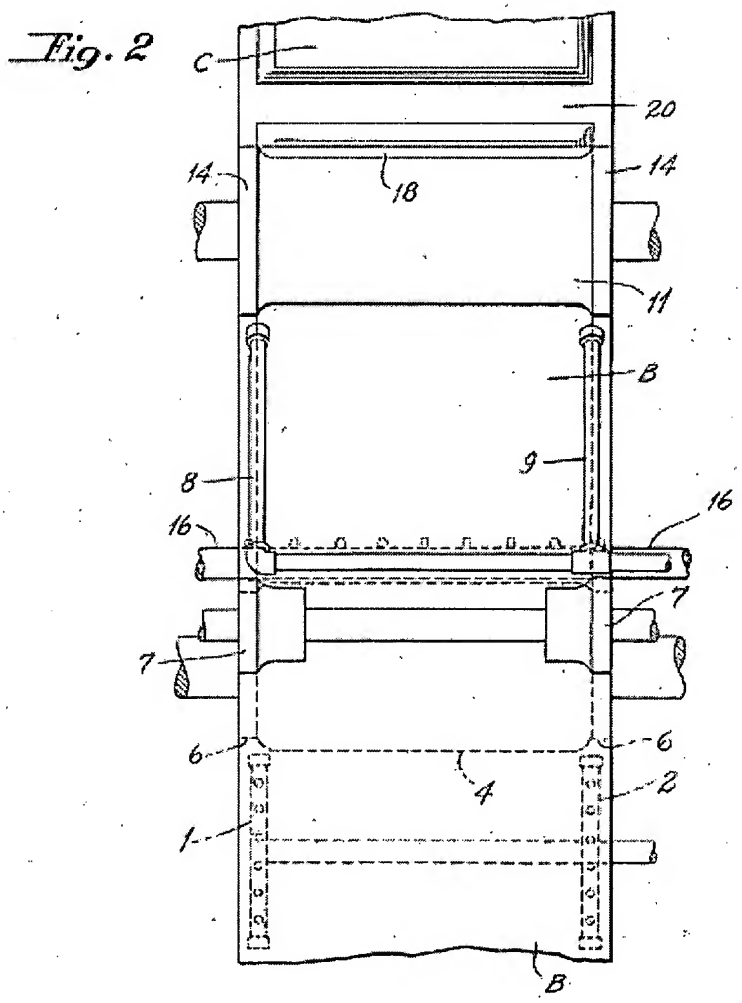
"[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."; see In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation (See In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) and In re Antonie, 559 F.2d 618, 195 USPQ 6 (CCPA 1977)). In light of the applicants above disclosure, the fall height is deemed a result-effective variable. Since optimization of this result effective variable would be undertaken through routine experimentation, the immediate claim wherein the "delivered stream of glass (1a) remains free from any contact with any surface whatsoever over a height that does not exceed 150 mm" is obvious over prior art.

Regarding Claim 7 and with particular reference to the above rejection of Claim 6, fall height is deemed a result effective variable and therefore a method wherein "said

delivered stream of glass (1a) remains free from any contact with any surface with a height less than 60 mm" is obvious over prior art.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner (1,674,856) and Anderson (6,196,026) in view of Aurien (2,116,297).

Specifically, Danner teaches all of the elements of Claim 1 including that the rolls (23), previously indicated as equivalent to the "a device or mechanism for controlling glass travel speed (7,8)", obviously control the thickness of the glass sheet. Danner fails to indicate that said rolls (23) control the thickness of the sheet of glass as claimed. Aurien teaches a similar roll structure (4,5) with cut away portion (6) as indicated by the excerpt figure below and which is formed to accommodate the side edges of the glass sheets" (pg 1, column 2, lines 22-29). This device is designed inwardly crimp the edges of the formed glass sheet and is likewise understood to control the width of the sheet of glass. It would be obvious to one of ordinary skill in the art at the time of the invention to replace the rolls (23) of the Danner invention with the similar roll device (4,5,6) as taught by Aurien in order to produce a sheet of glass with crimped edges and thereby inherently control the width of said glass sheet.

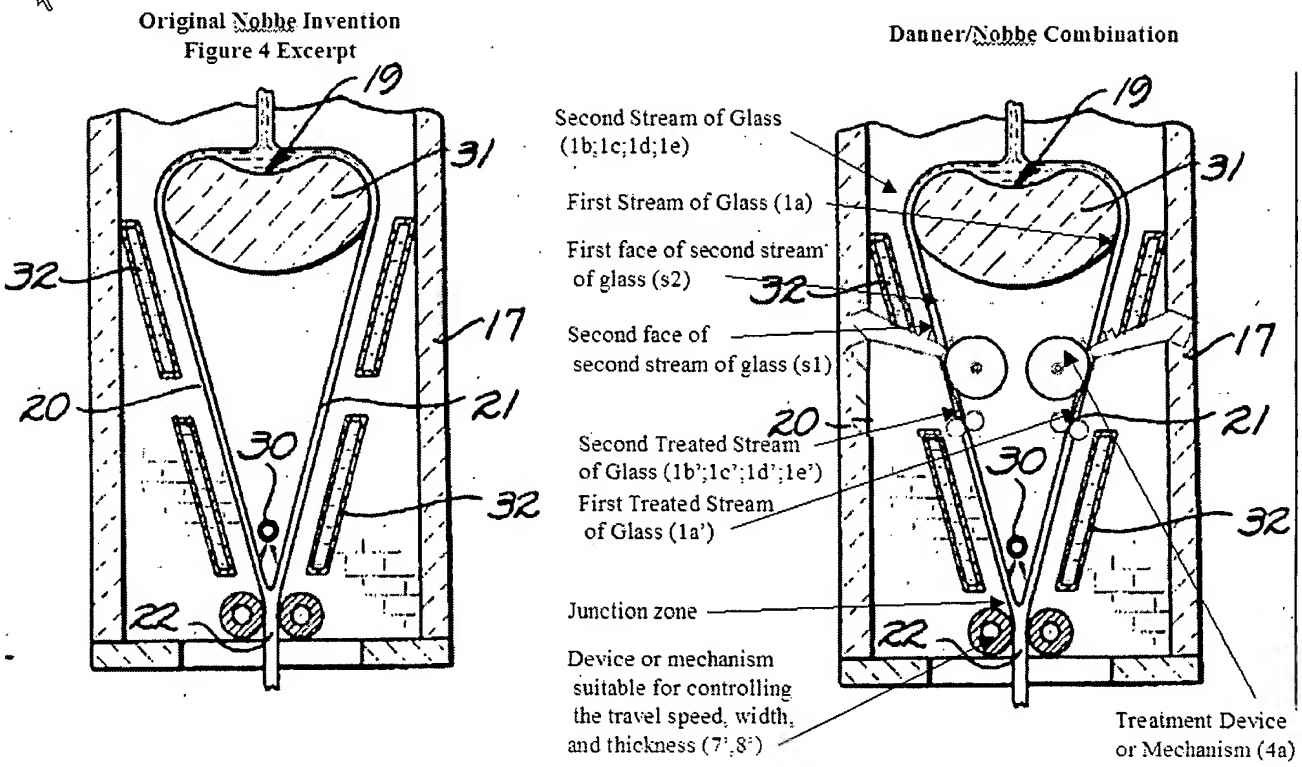


With respect to Claim 10 and in light of the rejection of Claim 3 above, the rejection of Claim 2 indicated that the "treatment device or mechanism (4a)" provided guidance for the glass sheet and the rejection of claim 8 above set forth that the air blast nozzle (14) cooperated with said "treatment device or mechanism (4a) to impart a controlled cooling or "temperature control" to the sheet. Therefore it is understood that

the guidance of the treated stream of glass (1a') is implemented under temperature control.

Claims 14 through 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner (1,674,856) and Anderson (6,196,026) in light of Nobbe (1,731,260).

Specifically, Danner teaches all of the elements of Claim 1 as indicated above, however said reference fails to explicitly indicate the introduction of a second stream into the process for treatment and lamination to the first delivered and treated stream. Nobbe broadly teaches of a method for the continuous production of glass sheets from molten glass wherein films of glass flow downward from a molten source while remaining substantially free from contact until being joined or laminated in a junction zone. The following two figures indicate the invention according to Nobbe Figure 4 and the obvious combination of inventions from Danner in view of Nobbe which will be described below. The combination image has been annotated for reference and clarity in the context of the presently claimed invention and will be referenced as such. It is further understood that while the combined invention as depicted applies the Danner invention both the first delivered stream of glass and second delivered stream of glass, said teachings could obviously be incorporated individually to either of the two streams and to the exclusion of the other.



Specifically, the above combination teaches:

1. Delivering "a second stream of glass (1b, 1c,1d,1e)" which by virtue of existing in the same process is understood to be compatible with the first stream of Glass (1a) . The second stream of glass (1b, 1c, 1d, 1e) has a first face and second face (s1, s2) as indicated above. Both of first and second faces of both the first delivered stream and second delivered stream are held free from contact with any surface from their formation in the region of the slab (31) and the treatment device (4a).
2. The second delivered stream of glass (1b, 1c,1d, 1e) is treated by contact with the treatment device or mechanism (4a) in the same manner as outlined for the stream of glass (1a) in the rejection of Claim 1 above.

3. The first and second treated streams of glass are guided towards a junction zone. Said guidance of the first treated stream is provided while ensuring that at least the central strip of the second face of the first treated stream is kept free from contact with any surface in the manner as discussed in the rejection of Claim 1 above.
4. First and second treated and guided streams are joined via the first face of the of the first treated stream of glass that has come into contact upstream with said treatment device or mechanism 4a while the second face of first stream remains relatively free from contact with any surface. Further, device or mechanism (7', 8') is applied to said two joined together streams of glass.

It would be obvious to one of ordinary skill in the art to modify the Nobbe process by the inclusion of the apparatus and process as set forth by Danner. This combination would be obvious to one attempting to form a sheet of glass with an impression in its interior volume while maintaining a high quality unmarred exterior surface.

With respect to Claim 15, Danner indicates that as the sheet passes down and around the roll the sheet takes the impression of the roll (pg 2, Lines 66-73). This disclosure by Danner is understood to encompass a method wherein the treatment of the second delivered stream of glass (1c) includes rolling or laminating, implemented with or without transferring an imprint" as claimed.

Claim 16 is obvious in light of the rejection of Claim 15 above.

Claim 17 is obvious in light of the arguments set forth in Claim 14 and Claim 1 above, and wherein the joined sheet of glass is cooled by any one of the means well known and commonly practiced in the art.

Claim 18 is obvious in light of the rejection of Claim 17 above

Claim 20 is obvious in light of the objection to Claim 14 above wherein the two sheets of glass are delivered from a single source indicated by (19) in the combined figure

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Danner, Anderson, and Nobbe as applied to Claim 14 above, and further in view of Gelstharp (1,934,798). As indicated in Claim 14 above, Danner, Anderson, and Nobbe teaches a method comprising

1. Delivering two compatible streams of glass each of which has a first and second face free from contact after formation
2. the first stream treated by placing a first face into contact with a treatment device or mechanism capable of temporarily supporting its weight and accompanying its falling movement while increasing its viscosity and while maintaining at least the central strip of the second face free from contact with any surface
3. Treating a second stream as per the first stream
4. Guiding both of the treated streams of glass towards a junction zone while ensuring that the central strip of the second face of the first treated stream

of glass is kept free from any contact and while ensuring that the central strip of the second face of the second treated stream of glass is also not put into contact with any surface

5. Joining the two treated streams of glass together via their respective first faces which have come into contact with the treatment device or mechanism and wherein the second face of the first steam remains relatively free from contact with any surface
6. Acting on the joined together treated streams of glass by a device or mechanism
7. cooling the glass sheet

Danner-Nobbe fails to indicate that the second stream of the two streams should be treated by subjecting the second face of the second stream of glass to an action by another device or mechanism which, co-operating with the treatment device or mechanism serves to transfer an imprint onto said second face. Gelstharp teaches (see figure 17 and 18 below) of a cooperating set of devices which serve to transfer an imprint to one side of a sheet of glass. It would be obvious to incorporate the cooperating devices as taught by Gelstharp in lieu of or in addition to the airblast nozzle (14) in treating the second sheet of glass in order to obtain a patterned surface on the exterior surface of the produced sheet of glass.

Fig.17.

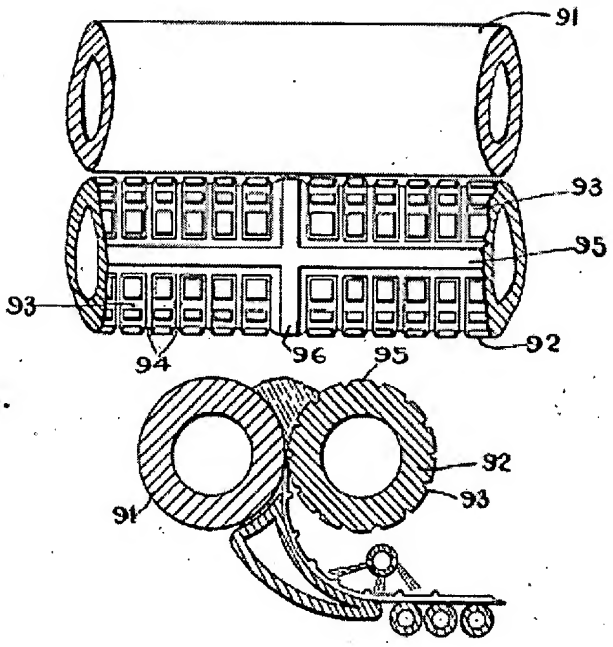


Fig.18.

Response to Arguments

With respect to the rejection of Claim 1 under 35 U.S.C. 102(b) over Danner as evidenced by Kingery, Applicant argues that Danner does not teach delivery of a glass stream having a viscosity in the range of about 10 poises to 10,000 poises. While the instant arguments are deemed moot in view of the new grounds of rejection presented above, the Examiner takes direct issue with the factual basis of Applicants argument.

Specifically in the Final rejection dated January 18, 2007, the general teachings of Kingery (pg 759) were pointed as supporting evidence to establish viscosity ranges deemed conventional in the art of soda-lime-silica glass processing operations. Specifically, Kingery teaches that glass in a low viscosity or fluidly molten state typically displays a viscosity in the range of 50 to 500P. At a moderate viscosity or working range, glasses would be considered "soft" and deform under their own weight due to the

influence of gravity or due to an externally applied force. Glasses in the working range typically display viscosities in the range of approximately 10^4 to 10^8 poises. At the higher viscosity range, typically referred to as the annealing range, glasses become self supporting and typically display viscosities in the range of $10^{12.5}$ to $10^{13.5}$ poises. The Kingery viscosity ranges should not be construed as definitive nor limiting but merely as a guide to approximate conventional viscosity ranges of glasses encountered during typical processing operations.

Now, the Final rejection of January 18, 2007 advised Applicant that Danner teaches general properties of the glass material at various stages of the disclosed process. Specifically, Danner teaches that when the stream is placed into intimate contact with the roller (4a), "the sheet would be quite soft at its point of contact with the impression mold" (pg 2, lines 102-103). Danner further teaches that after the sheet has disengaged from the surface of the roller (4a), corresponding to lead line (1a') in the figure, at least the surface in contact with the roller remains "softer" (Pg 2, lines 91-96) and would thus be considered to display a viscosity in the "working range" as described by Kingery. Restated, the glass sheet is "quite soft" at the initial point of contact wththe roller and after the sheet disengages from the roller it exists in the softened or working range, but this in no manner restricts or constrains the viscosity of the glass stream delivered to the process but prior to contact with the roller to be in said working range.

Although Danner places no constraint upon the viscosity of the delivered glass stream, Applicant appears to read such a constraint into the Danner disclosure. Specifically, Applicant asserts that since the glass is impressed by the roller (4a), it must

display a viscosity in the working range when delivered to the process. This conclusion is simply unsupported either explicitly or implicitly by the teachings set forth by Danner. In fact, Danner provides no such guidance regarding the viscosity state of the delivered glass and states only that at the initial point of contact with roller (4a) that the glass is "quite soft" and that the glass remains in a nominally softened state after terminating contact with the roller. Where Applicant alleges that Danner requires delivery of a glass stream having a viscosity from 10^5 to 10^8 poises is a regarded as a misrepresentation and/or misinterpretation of the scope and content of the Danner disclosure.

Applicant then alleges that the nozzle of Daner "would have a deleterious effect on the surface of the glass sheet facing the nozzle" and that contact of the sheet with the leer would "mar or contaminate the surface of the glass to a degree that would be unsatisfactory". In the absence of any compelling evidence to support Applicants allegations, said arguments are treated as unsubstantiated attorney argument. The MPEP §2144.09 provides unambiguous guidance to this end stating in part that "The arguments of counsel cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); In re Geisler, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) ("An assertion of what seems to follow from common experience is just attorney argument and not the kind of factual evidence that is required to rebut a prima facie case of obviousness.")."

Applicant next presents arguments disputing that Danner provides for a smooth surface on impression role (10). Applicant alleges that "the only objective of the Danner invention is to impart a "figure" to one surface of the glass by impressing a figure to "one surface of the glass". The Applicant directly acknowledges that with respect to the roll surface (4a), Danner teaches that "any configuration or impression" (page 2, lines63-70) may be employed. Further, the roll (10) displayed in the instant reference Figures 4 and 5 displays no discernable surface morphology. It follows that one of ordinary skill in the art at the time of the invention would not have no reason to exclude the use of a substantially smooth roller surface upon a reading the reference as alleged by Applicant. The Official position regarding this matter has bee previously set forth including in the Advisory Action dated April 30, 2007, and the Examiners position stands a previously presented.

With respect to claim 5 (the limitations of which have now been incorporated into the independent claim 1), Applicant argues that due to differences in construction and mode of operation one of ordinary skill would never have looked to combine the teachings of Danner and the teachings of Anderson. The Examiner disagrees.

As presented both in the Final rejection dated January 18, 2007 and in the rejection above, Danner remains silent regarding a preferred viscosity for the stream of molten glass (1a) delivered to the disclosed apparatus. Much like the Danner process, Anderson teaches delivery of a stream or ribbon of glass wherein each face is free from making contact with any surface and delivering the stream to a subsequent process

step before the glass stream is destabilized. Both prior art teaching are related by virtue of delivering a stream or ribbon of fluid glass to a subsequent process prior to destabilization of the ribbon. Anderson teaches a preferred delivery viscosity of between about 1000 to 5000 poise for the stream of glass, and it would have presented no more than a trivial extension over the Danner teachings to utilize such a delivery viscosity for one who was aware of the Anderson teachings.

Further, Applicant is advised that the recent KSR decision forecloses the argument that a specific teaching, suggestion or motivation is required to support a finding of obviousness, see the recent Board decision Ex parte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007). Although Applicant has acknowledged the factual deficiencies of the prior art, he has provided no reasoned argument to rebut the basis for the obviousness rejection. The rejection is deemed proper and stands as originally presented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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